

CONFERENCE COMMITTEE REPORT DIGEST FOR EHB 1329

Citations Affected: IC 4-21.5-3; IC 13-8-11; IC 13-11-2; IC 13-15; IC 13-18-16; IC 13-18-17; IC 13-18-20; IC 13-18-21; IC 13-27.5-1; IC 16-41-27.

Synopsis: Environmental law. PROPOSED CONFERENCE COMMITTEE REPORT TO EHB 1329. Provides certain options to an NPDES permit applicant operating pursuant to a continuation of an existing permit pending determination of an application for a new or renewed permit. Eliminates the requirement for the department of environmental management (IDEM) to use permit application fee revenue to pay for outside consultants to prepare draft permits. Requires IDEM to report to the environmental quality service council (EQSC) on the use of permit fee revenue and on the status of certain permits. Changes references to "public water supply" to "public water system" to conform to federal environmental law. Repeals the definitions of "public water supply" and "water supply system". Provides that the budget agency may rather than shall use not more than two percent of the drinking water revolving loan fund for certain purposes. With respect to the clean manufacturing technology board: (1) provides for appointment of one member from a public university in Indiana and one member from a private university in Indiana; (2) eliminates the requirement that one member from a university must have expertise in occupational health and the workplace environment; and (3) corrects a cross-reference. (This conference committee report: (1) deletes provisions concerning the wastewater revolving loan fund, the supplemental drinking water and wastewater assistance fund, the environmental assistance authority, and the nonpoint source pollution reduction project loan program; (2) deletes an adjustment of deadlines for action by IDEM on certain permits; (3) adds the option provisions for certain permit applicants; (4) addresses the hiring of consultants to prepare draft permits; (5) deletes provisions for refunds of annual permit fees; (6) adds the provisions concerning IDEM reports to the EQSC on the status of permits; and (7) adds the provisions concerning the clean manufacturing technology board.)

Effective: Upon passage; July 1, 2002.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT:

Your Conference Committee appointed to confer with a like committee from the House upon Engrossed Senate Amendments to Engrossed House Bill No. 1329 respectfully reports that said two committees have conferred and agreed as follows to wit:

that the House recede from its dissent from all Senate amendments and that the House now concur in all Senate amendments to the bill and that the bill be further amended as follows:

- 1 Page 3, delete lines 28 through 42.
- 2 Delete pages 4 through 7.
- 3 Page 8, delete lines 1 through 36.
- 4 Page 9, delete lines 7 through 42.
- 5 Page 10, delete lines 1 through 28.
- 6 Page 10, delete lines 34 through 42.
- 7 Page 11, delete lines 1 through 24.
- 8 Page 11, delete lines 37 through 42.
- 9 Delete pages 12 through 13.
- 10 Page 14, delete lines 1 through 21.
- 11 Page 14, line 23, delete "JANUARY 1, 2003" and insert "UPON
- 12 **PASSAGE**".
- 13 Page 14, line 23, after "Sec. 11." insert "(a) If an applicant is
- 14 **operating pursuant to a continuation of an existing permit pending**
- 15 **determination of an application for a new or renewed permit under**
- 16 **IC 13-15-3-6, the applicant may proceed under this section after**
- 17 **notifying the commissioner in writing of its intent to do so.**
- 18 **(b)".**
- 19 Page 15, line 12, strike "require that the department use the permit".
- 20 Page 15, line 13, strike "application fee,"
- 21 Page 15, line 13, delete "the permit annual fee under IC 13-18-20,".

- 1 Page 15, line 14, strike "and any additional money needed to".
 2 Page 15, strike lines 21 through 23.
 3 Page 15, delete lines 24 through 42, begin a new paragraph and
 4 insert:
 5 "SECTION 8. IC 13-15-4-14 IS AMENDED TO READ AS
 6 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 14. **Except for**
 7 **applicants proceeding under section 11(a) of this chapter**, an
 8 applicant may not proceed under any of the options described in ~~section~~
 9 ~~11(b)~~ **section 11(b)** of this chapter if construction or operation of the
 10 equipment or facility described in the permit application has already
 11 begun, unless construction or operation before obtaining the permit is
 12 authorized by a board rule or state statute.
 13 SECTION 9. IC 13-15-4-15 IS AMENDED TO READ AS
 14 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 15. (a) If an
 15 applicant chooses to proceed under ~~section 11(3)~~ **section 11(b)(3)** of
 16 this chapter, the department **and the applicant** shall **jointly**:
 17 (1) select a consultant that has the appropriate background to
 18 review the applicant's application; and
 19 (2) authorize the consultant to begin work;
 20 not later than fifteen (15) working days after the department receives
 21 notice that the applicant has chosen to proceed under ~~section 11(3)~~
 22 **section 11(b)(3)** of this chapter.
 23 (b) The commissioner may:
 24 (1) consult with the applicant regarding the advisability of
 25 proceeding under this section; and
 26 (2) document the communications.
 27 SECTION 10. IC 13-15-4-16 IS AMENDED TO READ AS
 28 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 16. (a) If an
 29 applicant chooses to proceed under ~~section 11(2) or 11(3)~~ **section**
 30 **11(b)(2) or 11(b)(3)** of this chapter, the applicant or a consultant shall
 31 prepare and submit to the commissioner the draft permit and any
 32 required supporting technical justification for the permit not later than
 33 thirty-five (35) working days after:
 34 (1) the applicant has notified the commissioner that the applicant
 35 has chosen to proceed under ~~section 11(2)~~ **section 11(b)(2)** of this
 36 chapter; or
 37 (2) the department ~~has~~ **and the applicant have** authorized a
 38 consultant to begin work under ~~section 11(3)~~ **section 11(b)(3)** of
 39 this chapter.
 40 (b) Subject to subsection (c), the commissioner shall:
 41 (1) approve, with or without revision; or
 42 (2) deny;
 43 the draft permit not later than twenty-five (25) working days after
 44 receiving the draft permit.
 45 (c) If notice of opportunity for public comment or public hearing is
 46 required under applicable law before a permit decision can be issued,
 47 the commissioner shall comply with all public participation
 48 requirements and:
 49 (1) approve, with or without revision; or
 50 (2) deny;

the draft permit not later than fifty-five (55) working days after receipt of the draft permit.

(d) If the commissioner denies the draft permit, the commissioner shall specify the reasons for the denial.

(e) If an applicant has elected to have a draft permit prepared under ~~section 11(3)~~ **section 11(b)(3)** of this chapter and:

(1) the consultant fails to submit a draft permit and supporting technical justification to the commissioner; or

(2) the commissioner fails to approve or deny the draft permit; within the applicable time specified under subsection (a), (b), or (c), the department shall refund the applicant's permit application fee not later than twenty-five (25) working days after expiration of the applicable period.

(f) The commissioner and the applicant may mutually agree to extend the deadlines in this section.

SECTION 11. IC 13-15-4-19 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 19. Before July 15 of each year, the commissioner shall provide to the environmental quality service council a list, current through July 1 of the year, of National Pollutant Discharge Elimination System (NPDES) permits that have been administratively extended that includes for each permit:**

(1) the number of months that the permit has been administratively extended;

(2) the number of months that the department has extended a period under section 8 of this chapter or suspended processing of a permit application under section 10 of this chapter;

(3) the type of permit according to the types identified in IC 13-18-20-2 through IC 13-18-20-11; and

(4) the dates when public notice of a draft permit was given."

Page 16, delete lines 1 through 17.

Page 17, delete lines 10 through 42.

Delete pages 18 through 22.

Page 23, delete lines 1 through 11.

Page 23, delete lines 23 through 42.

Delete pages 24 through 36.

Page 37, delete lines 1 through 18.

Page 41, delete lines 21 through 42.

Page 42, delete lines 1 through 26.

Delete pages 44 through 67.

Page 68, delete lines 1 through 26, begin a new paragraph and insert:

"SECTION 27. IC 13-27.5-1-2, AS AMENDED BY P.L.248-2001, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 2. (a) The board consists of thirteen (13) members.

(b) The commissioner and the president of the Indiana economic development council established under IC 4-3-14 shall serve as ex officio nonvoting members of the board. The commissioner or the

1 president may in writing designate a technical representative to serve
 2 as a nonvoting member of the board when the commissioner or the
 3 president is absent from a meeting of the board.

4 (c) The governor shall appoint eleven (11) members of the board as
 5 follows:

6 (1) ~~Two (2) representatives~~ **One (1) representative** of public or
 7 ~~private~~ universities in Indiana. ~~one (1) of whom must have~~
 8 ~~expertise in occupational health and the workplace environment.~~

9 **(2) One (1) representative of private universities in Indiana.**

10 **(3) Three (3) representatives of manufacturers, including one (1)**
 11 **representative of small manufacturers.**

12 ~~(3)~~ **(4) One (1) representative of a statewide environmental**
 13 **organization.**

14 ~~(4)~~ **(5) One (1) representative of organized labor.**

15 ~~(5)~~ **(6) One (1) representative of the public.**

16 ~~(6)~~ **(7) One (1) representative of county government.**

17 ~~(7)~~ **(8) One (1) representative of municipal government.**

18 ~~(8)~~ **(9) One (1) representative who must have expertise in**
 19 **occupational health and the workplace environment.**

20 (d) To be appointed as a member of the board under subsection (c),
 21 an individual must demonstrate a knowledge of policy or of technical
 22 matters concerning multimedia clean manufacturing.

23 (e) ~~Neither An~~ individual appointed to the board under subsection
 24 (c)(1) **or (c)(2)** may **not** represent a university that is selected to
 25 establish the Indiana clean manufacturing technology and safe
 26 materials institute under ~~IC 13-27.5-3~~ **IC 13-27.5-2."**

27 Page 69, delete lines 17 through 42, begin a new paragraph and
 28 insert:

29 "SECTION 31. THE FOLLOWING ARE REPEALED
 30 [EFFECTIVE UPON PASSAGE]: IC 13-15-4-12; IC 13-15-4-13."

31 Page 70, delete lines 1 through 25.

32 Renumber all SECTIONS consecutively.

(Reference is to EHB 1329 as reprinted February 22, 2002.)

Conference Committee Report
on
Engrossed House Bill 1329

Signed by:

Representative Weinzapfel
Chairperson

Senator Gard

Representative Thompson

Senator Broden

House Conferees

Senate Conferees